

REMARKS

Claims 1-40 are currently pending in the present application, with Claims 2, 6-8, 17, 19, 20, 25, 32, and 35 being canceled, Claims 1, 4, 5, 9, 16, 21, 24, 26-32, 34, and 36-39 being amended, and Claim 40 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-3, 6-7, 10-32, 34, 37, and 38 under 35 U.S.C. 102(b) as being anticipated by Goldhaber (USP 5,794,210). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to a method and system for Internet distribution of media products, such as entertainment or informational content (e.g., articles/report, video, or a sound file such as a MP3 music file), that are protected by intellectual property rights (e.g., copyright protection). The present invention provides to consumers an alternative to paying for media products on the Internet by offering to consumers an option to view a sponsored message in exchange for receiving the product.

As previously communicated, Goldhaber discloses "orthogonal sponsorship" programs by which direct financial incentives (e.g., "CyberCoin") are provided to consumers who elect to view certain advertisements that are presented to them by "attention brokers." Specifically, a consumer is presented with a list of advertisements, each of which may be selected by a consumer to view in exchange for receiving direct cash deposit into the consumer's pre-established account. The digital cash (or similar financial credits) accumulated by the consumer can be later used by the consumer to purchase goods or services.

Again, as previously communicated, Goldhaber simply does not contain any disclosure or suggestion of distributing media products. In fact, Goldhaber does not teach or suggest distributing products of any kind. Nevertheless, Applicants have amended the claims to further clarify this aspect of the present invention. That is, in accordance with the amended claimed inventions, media products (such as news articles, songs, or even videos) are received from an

independent content provider (e.g., an author, a music artist, a studio, etc.) and offered for sale to consumers on the Internet. A consumer looking to purchase a media product may elect to receive the media product in exchange for agreeing to view a sponsored message. For instance, in accordance with the present invention, a consumer may be browsing through a music store website and selects for purchase a song that he or she wants, such as a MP3 song; while the consumer ordinarily would have to pay for the song or subscribe to the music website in order to receive the song, he or she is offered an option to receive the song (or a discount off of a purchase of a song) if he or she agrees to first view a sponsor message (e.g., an advertisement about MP3 players). If the consumer agrees to view the sponsored message, then the song is provided to the consumer upon facilitating the delivery of the sponsored message. In accordance with the present invention, no purchase step of any kind is required. The present invention provides an advantage over Goldhaber in that a consumer does not have to perform an extra step of accumulating financial credit and then presumably apply that financial credit at a later time.

Goldhaber is directed to the concept of "attention brokering," wherein consumers are financially compensated for viewing advertisements. Goldhaber simply does not disclose or suggest distributing, or make available for accessing, media products to consumers. The "CyberCoin" disclosed in Goldhaber refers to cash or coupons (financial commodity), NOT media products as recited in the amended claims. The CyberCoins are not provided by content providers, are NOT protected by intellectual-property rights, and are NOT offered for sale. Applicants respectfully submit that the differences between the CyserCoin system disclosed in Goldhaber and the present invention as claimed are clear and patentably distinct. Accordingly, Applicant respectfully submits that Claims 1-3, 6, 7, 10-32, 34, 37, and 38 are not anticipated by, nor obvious in view of, Goldhaber.

The Examiner rejected dependent Claims 4, 5, 8, 35, and 36 under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Wiser et al. (USP 6,385,596). This rejection is respectfully traversed.

As discussed above, Goldhaber does not contain any disclosure or suggestion of distributing media products in response to a consumer viewing a sponsored message. Wiser fails to make up for the deficiencies of Goldhaber. Rather, Wiser is simply directed to a secured online distribution of music. Accordingly, Applicant respectfully submits that Claims 4, 5, 8, 35, and 36 are not obvious in view of Goldhaber and Wiser.

The Examiner rejected dependent Claims 9, 33, 35 and 39 under 35 U.S.C. 103(a) as being unpatentable over Goldhaber. This rejection is respectfully traversed for the same reasons provided above.


In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. An early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 513612000100.

Respectfully submitted,

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